

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**VERNON SPENCE,**

**Plaintiff,**

**v.**

**Civil Action 2:19-cv-4805  
Judge James L. Graham  
Magistrate Judge Jolson**

**JUDGE DALE A. CRAWFORD, et al.,**

**Defendants.**

**REPORT AND RECOMMENDATION**

On November 13, 2019, Plaintiff Vernon Spence was ordered to pay the filing fee within thirty (30) days. (Doc. 5). The Court advised Plaintiff that his failure to do so would result in dismissal of this action for want of prosecution. (*Id.*). Plaintiff failed to pay the filing fee, and, on December 18, 2019, the Court ordered Plaintiff to show cause within thirty days why his case should not be dismissed for failure to follow Court orders and why an extension of time to file a Motion to Proceed *in forma pauperis* or to pay the filing fee should be allowed. (Doc. 9). The Court advised Plaintiff that his failure to do so would result in the recommendation that this action be dismissed without prejudice.

More than 30 days have passed, and Plaintiff has not paid the filing fee or shown cause for why an extension to do so should be allowed. Accordingly, it is **RECOMMENDED** that this case be **DISMISSED without prejudice** for want of prosecution. *See, e.g., Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 348 (6th Cir. 2001).

**PROCEDURE ON OBJECTIONS**

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed finding or recommendations to which objection is made, together with supporting

authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specific proposed findings or recommendations to which objection is made. Upon proper objection, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: January 23, 2020

/s/ Kimberly A. Jolson  
KIMBERLY A. JOLSON  
UNITED STATES MAGISTRATE JUDGE